

REMARKS/ARGUMENTS

The above-noted amendments to the claims, and the addition of new claims 83-89, are respectfully submitted in response to the official action dated August 1, 2006. The new claims, as well as the amendments to the prior claims, are fully supported in the specification as filed, and no new matter is included therein. The claim amendments are primarily intended to overcome objections by the Examiner under 35 U.S.C. § 112. It is therefore believed that all of these objections have now been obviated, and that in fact all of the claims in this application are presently in condition for allowance, which action is therefore respectfully solicited.

Claims 1, 3-19, 43-45, and 49-65 have been rejected as being unpatentable under 35 U.S.C. § 112, second paragraph. The Examiner contends that the claims are indefinite and that claims 1, 43, and 49 are indefinite because the preamble is not commensurate with the body of the claim. These preambles are said to recite a dispenser for wet wipes, but the body is said to recite only the structure of a support or holder for a dispensing container and not structure for dispensing. In claim 19, line 2, the recitation "said second support member" is said to lack antecedent basis, and it is suggested that this language is intended to refer to the previously recited "second support member portion." This rejection is respectfully traversed in view of the above amendments and for the reasons set forth hereinafter.

It is initially noted that claims 1, 43 and 49 have been amended so that their preambles are now directed to a holder for wet wipe dispensers, and as the Examiner has previously stated, the body of the claim recites the structure of a holder for same. Finally, and since the Examiner is correct in his assumption, claim 19 has been amended to refer to

the second support member portion, so that adequate antecedent basis is now provided for this limitation.

It is therefore apparent that all of the objections previously raised under § 112, second paragraph, have now been obviated, and that this objection to the allowance of the claims in this application is no longer applicable.

Claims 1, 3-19, 22, and 24-42 have been rejected as being anticipated by Julius '360. Julius '360 is said to teach mounting the apparatus to a surface such as a wall or table top, citing column 11, lines 42-52. This is said to place the support member in a horizontal direction when mounted to the table top which would place what may be considered the base below the support member required by claim 4, and at the very least suggest other orientations such as vertical or downward. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

Applicant is, of course, well aware of the '360 patent since it is applicant's own prior invention. In any event, the amendments and addition of new claims herein are specifically intended to distinguish the present invention over the applicant's prior invention as set forth in the '360 patent. The invention shown in the '360 patent is a holder for a dispenser package that reliably secures the package enabling the towels packaged therein to be easily dispensed therefrom. The various embodiments of the invention shown in the '360 patent are said to include embodiments in which the holder can stand alone atop a surface, may be securable to an edge, such as an automobile sun visor, the edge of a table or a highchair, or embodiments securable to a belt or apron worn by an individual. The present application, on the other hand, is directed to a more convenient and efficient dispenser for wet wipes which can not only provide a freestanding dispenser readily usable for

individual selective removal of wet wipes, but which also maintains them in a configuration keeping the leading wet wipe for removal in a wet or moist condition, among other things.

In referring to the specific rejection interposed by the Examiner, it is noted that the Examiner specifically refers to column 11, lines 42-52, which in turn refers to the embodiment shown in Figures 28 and 29 of the '360 patent. The holder 720 shown therein is mounted on a vertical wall 737 which is said to possibly also constitute a "table top." Even in this embodiment, however, the reference is to a "table top," and the clear intent would be to screw the holder 720 onto the top of the table so that the individual components can be removed therefrom.

Firstly, claim 1 has now been amended to clarify the fact that the support member supported by the base portion hereof is at a predetermined positive angle with respect to the surface on which the base portion is mounted. In this manner, even in the embodiment shown, for example, in Figure 11 hereof, even when mounted on a vertical wall, the support member faces generally in a downward direction; i.e., the angle between the base portion and the support member is a positive angle, and is not an angle of 0°, as in the '360 patent.

Returning to the embodiment shown in Figures 28 and 29 of the '360 patent, that disclosure certainly does not suggest mounting that device to the bottom of a table as opposed to the table top. Indeed, it is not seen how that device could actually operate and/or be accessible in such a condition. Nevertheless, assuming that one would, for whatever reason, actually do so, there is no positive angle as required by claims such as claims 1 and 22 in the device shown in the '360 patent, and the support member is not disposed at such a positive angle with respect to either the base portion or the selected surface on which it is mounted. In the case of the device in the

'360 patent the angle is 0° , it is not a positive angle, and the support member does not face generally in a downward direction when the base portion is fastened to a vertical wall, for example. It is thus clear not only that the '360 patent, including the embodiment shown in Figures 28 and 29, does not anticipate claims such as claims 1 and 22, but that those claims are fully patentable thereover. These claims are directed to devices, such as those shown in Figure 11 of the present application, in which mounting on a surface such as a vertical wall still permits removal of the wet wipes in a generally downward direction, or in the case of mounting on the top of a table, as in the embodiments in Figures 1 et seq. of the present application, the angular relationship between the base and the support member once again permits removal in a generally downward direction.

Reference is also made to newly added claim 82 in this regard. Once again, this claim requires not only that the base portion support the support member at a predetermined angle with respect to a substantially vertical surface on which the base portion is mounted, but that by doing so the support member faces in a generally downward direction, and the wet wipes can once again be individually removed from the container while each of the wet wipes is maintained in a moist condition. This clearly distinguishes claim 83 over the disclosure of the '360 patent.

Finally, reference is also made to various claims dependent on claims 1, 22, and 83, which include further significant limitations distinguishing these claims over the '360 patent. It is therefore respectfully submitted that each of these claims is directed to patentable subject matter, and reconsideration and allowance of all of the claims in this application is therefore respectfully solicited.

If nothing else, it is respectfully submitted that good cause has clearly been shown for the entry of this amendment. The claim amendments deal with the specific objections raised by the Examiner and the Examiner's prior contention that applicant's arguments were not deemed persuasive because the claims did not then require that the support member be maintained at a specified angle with respect to the selected surface on which the base is mounted. Thus, on this basis alone, the amendments overcome this objection, and in any event are submitted as placing all of these claims in condition for allowance, which in and of itself provides sufficient basis for entry of same.

If, however, for any reason the Examiner still does not believe that this application is in condition for allowance, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any further objections which he might have to the allowance of this application.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 18, 2007

Respectfully submitted,

By 

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